
Book Reviews

SLAVERY IS NOT A METAPHOR

CONTEMPORARY SLAVERY: POPULAR RHETORIC AND POLITICAL PRACTICE
(Annie Bunting & Joel Quirk eds., University of British Columbia
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*Reviewed by Adelle Blackett**

This is a pivotal moment for the study of slavery, in historical and contemporary form across a range of comparative law contexts. The foreword to Annie Bunting and Joel Quirk's timely and insightful collection of essays is written by the first United Nations Special Rapporteur on contemporary slavery, Gulnara Shahinian, who recalls the "decades of silence that had relegated slavery to a relic from an earlier stage in history."¹ Shahinian laments the initial reluctance to talk about anything but slavery's legacy, and even then only in largely psychological terms—she wants instead to address a range of forms of structural inequality to "transform the power exercised by some over others."² There is a further, distinct challenge, which recent scholarly commentators have bemoaned: the tendency to attach the powerful name of slavery to a disturbingly broad range of human exploitation.³ Bunting and Quirk offer a list of the categories of people to whom the label of contemporary slavery is increasingly applied,⁴ and from the outset offer their own pushback: "In stark contrast to historical

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1. Gulnara Shahinian, *Forward* to CONTEMPORARY SLAVERY: POPULAR RHETORIC AND POLITICAL PRACTICE, at x (Annie Bunting & Joel Quirk eds., 2017).

2. *Id.* at xii.

3. See notably Ariela Gross & Chantal Thomas, *The New Abolitionism, International Law and the Memory of Slavery*, 35 LAW & HIST. REV. 99 (2017); REVISITING THE LAW AND GOVERNANCE OF TRAFFICKING, FORCED LABOUR AND MODERN SLAVERY (Prabha Kotiswaran ed., 2017).

4. Their book specifically references "prostitution and sexual exploitation, migration and exploitation, debt and exploitation, child labour and exploitation, domestic labour and exploitation, global supply chains and exploitation, hereditary bondage and descent-based discrimination, wartime captivity and wartime abuses, forced, servile and early marriage and forced labour by the state." They acknowledge the breadth and diversity of the list, and the lack of analytical coherence of the wide array of practices and issues. Annie Bunting & Joel Quirk, *Contemporary Slavery as More than Rhetorical Strategy? The Politics and Ideology of a New Political Cause*, in CONTEMPORARY SLAVERY: POPULAR RHETORIC AND POLITICAL PRACTICE, *supra* note 1, at 5, 22.

campaigns to end legal slavery, which were firmly aimed in the profits and privileges of the rich and powerful, more recent global 'anti-slavery' campaigns targeting human trafficking only rarely pose a direct threat to major political and economic interests."⁵ A core concern is that this loose renaming of an expansive list of human exploitation as slavery may disregard, even trivialize, the singular historical memory and legacy of the centuries' long transatlantic slave trade.⁶

It was therefore a pleasure and a relief to read Bunting and Quirk's reflective introduction, in which the editors are at once critical of the rhetoric, alive to the politics, and attentive to underlying concerns. The editors' work is part of a process of unpacking what is meant by slavery in the contemporary moment. The book is also at its core an engaged inquiry that enables scholars, policymakers, and activists to push back against some of the use of the language of slavery.

The legal focus is the Slavery Convention⁷ adopted by the League of Nations in 1926, including the 1953 Protocol Amending the Slavery Convention of 1926, adopted by the United Nations,⁸ as well as the United Nations 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery.⁹ Some contributors to the book were also involved in drafting the Bellagio-Harvard Guidelines, which seek to restate what is meant in Article 1 of the Slavery Convention by "powers attaching to the rights of ownership,"¹⁰ and in the process, to update our understanding of the legal parameters of slavery. *Contemporary Slavery* and the research-policy work out of which many of the chapters emerge may serve to challenge some of the "frequently dubious 'facts and figures'"¹¹ on slavery's prevalence—what Darshan Vigneswaran's chapter memorably labels "SDI": silence, diversion, and insistence.¹² The editors' introduction and the other chapters in the book that undertake this hard and heavy theoretical, empirical, and of course rhetorical deconstruction do it well.

The book captures the ability at once to remain engaged, yet practically rooted—it speaks to a range of audiences and takes up the challenge of identifying and critiquing tropes. Yet the rootedness in practice yields an uncynical framing¹³ that I found compelling, and

5. *Id.* at 20.

6. Of course, crucial studies of slavery cover the phenomenon in its ancient, pre-modern, and modern forms. *See in particular* ORLANDO PATTERSON, *SLAVERY AND SOCIAL DEATH: A COMPARATIVE STUDY* (1982). Critical contemporary studies of the transatlantic slave trade underscore, however, the centrality of the institution to the development of modern capitalism. *See the discussion infra* notes 43–57.

7. Slavery Convention, Sept. 25, 1926, 40 L.N.T.S. 253.

8. Dec. 7, 1953, 182 U.N.T.S. 51.

9. Sept. 7, 1956, 266 U.N.T.S. 3.

10. Slavery Convention, *supra* note 7, art. 1.

11. Bunting & Quirk, *supra* note 4, at 16.

12. Darshan Vigneswaran, *Methodological Debates in Human Rights Research: A Case Study of Human Trafficking in South Africa*, in *CONTEMPORARY SLAVERY: POPULAR RHETORIC AND POLITICAL PRACTICE*, *supra* note 1, at 180.

13. The upshot of Vigneswaran's critique "is not that scholars should throw their hands up in despair . . . but, rather, they should aim to improve the outcomes of their engagements in public debates by mapping out the contextual factors that have led various public actors to adopt specific positions." *Id.* at 199.

given the seriousness of the concerns, suitably disarming: sometimes the language of slavery gets used, as chapter contributor Fuyuki Kurasawa states, because “people are *still* suffering.”¹⁴ Kurasawa does not hesitate to pose the crucial next question: To apprehend this truth of the persistence of profound human suffering, must we rely upon the “derivatively [acquired] symbolic association with the past?”¹⁵

Bunting’s chapter on forced marriage challenges peoples’ preference for stories to be neat,¹⁶ and Bunting insists that context matters. In the spirit of her invitation to rethink the narrative, let me offer a potentially jarring one that is often invoked to dismiss certain interpretations of slavery. I offer this narrative with some consternation, as I do not follow professional athletics closely.¹⁷ But, I offer it because I want to think carefully about how it is that contemporary legal definitions of slavery—concerned as they are about human suffering—seem to have parted company so fully with the fulsome, critical historical analyses of slavery within—rather than as the antithesis of—a system of capitalism, that is, racial capitalism.

“In a city where hockey is religion, P.K. Subban is still a god.”¹⁸ These words welcomed former Montreal Canadiens defenceman P.K. Subban back home to Montreal last year, to the city where he had made a historically generous donation to the Children’s Hospital less than a year before he was traded to the Nashville Predators. I always get stuck on the word “traded.” Journalist Allison Hanes writes that “many Montrealers can tell you where they were when they heard the news that P.K. was traded.”¹⁹ I was driving home in my car.

On the day of the fateful June 29, 2016 trade, fans of the man with the “\$72 million smile (the amount of his eight-year contract)”²⁰ were in shock. Subban was described as “a cornerstone of the franchise, a Norris Trophy-winning, All-Star defenseman who was adored in the community and was a hugely marketable, money-making commodity for his employer.”²¹ Arguably the most popular, flamboyant, and charming hockey player of his generation, Subban had been “exiled by a Canadiens management that didn’t appreciate his style.”²² *Exile, alienation . . .*

14. Fuyuki Kurasawa, *Show and Tell: Contemporary Anti-Slavery Advocacy as Symbolic Work*, in CONTEMPORARY SLAVERY: POPULAR RHETORIC AND POLITICAL PRACTICE, *supra* note 1, at 158, 174.

15. *Id.*

16. Annie Bunting, *Narrating Wartime Enslavement: Forced Marriage and Modern Slavery*, in CONTEMPORARY SLAVERY: POPULAR RHETORIC AND POLITICAL PRACTICE, *supra* note 1, at 129, 136.

17. Somehow, this is the second time that I have turned to a sports metaphor in a book review, and my disclaimer is the same! See Adelle Blackett, *Beyond the “Rules of the Game,”* 143 INT’L LAB. REV. 73 (2015).

18. Allison Hanes, *Welcome Home, P.K. Subban*, MONTREAL GAZETTE (Mar. 2, 2017), <https://montrealgazette.com/opinion/columnists/allison-hanes-welcome-home-p-k>.

19. *Id.*

20. Stu Cowan, *Subban Smooth as Ever Ahead of “Emotional” Return to Montreal*, MONTREAL GAZETTE (Mar. 2, 2017), <https://montrealgazette.com/sports/hockey/nhl/montreal-canadiens/stu-cowan-subban-smooth-as-ever-ahead-of-emotional-return-to-montreal>.

21. Dave Stubbs, *Subban Trade Leaves Montreal Stunned*, NHL NEWS HEADLINES (June 29, 2016), www.nhl.com/news/subban-trade-leaves-montreal-stunned/c-281086100.

22. Hanes, *supra* note 18 (emphasis added).

Montrealers reacted with indignation, a deep sense of the unfairness of this trade. And despite talk of ownership, none uttered the word that is at once obvious and at the same time absurd: slavery. As sociologist Orlando Patterson—a signatory to the Bellagio–Harvard Guidelines foregrounded in this collection, but who has taken sharp issue with the sociological definition and indicators provided by Free the Children’s Kevin Bales²³—emphasizes in his manuscript, *Slavery and Social Death*, fixating on absolute ownership to define slavery (despite strong distaste) misses defining features, and leads all too easily to a conflation of absurd comparisons, including to elite, professional athletes.²⁴

The intuition as to why this is absurd tends to remain unspoken, perhaps because of the focus on people who are suffering from exploitation. International law scholar Jean Allain tells us in his chapter that professional athletes can simply refuse a trade, they can resign, they “can always walk away.”²⁵ The control necessary to constitute possession simply is not there. But walk away from what, his very identity?²⁶

Allain does not quite deal with the National Football League’s Colin Kaepernick, who has been blacklisted, *blacklisted*, from exercising his natural capabilities in the United States, and has earned the personal ire of the forty-fifth president of the United States because he took a knee, and in so doing, spoke poignantly about #BlackLivesMatter and the all too present legacy of slavery, in a style reminiscent of the civil rights movement of the 1950s and 1960s. So much has not changed in the post-emancipation period, even for the most affluent, who are still subject to the policing of the black body.

And, of course, Allain does not quite deal with Subban, who happens to be one of the rare, and the most prominent, African-Canadian hockey players of all time. Many of his fans worried that his trade was a response to an unresolvable conflict between his manager—himself now fired—and the black man called “arrogant” once too often. P.K., “who has run afoul, again and again, of the harrumphing defenders of hockey’s honour”²⁷ took heat for “having too much fun chasing down

23. See Orlando Patterson, *Trafficking, Gender and Slavery: Past and Present*, in *THE LEGAL UNDERSTANDING OF SLAVERY: FROM THE HISTORICAL TO THE CONTEMPORARY* 322 (Jean Allain ed., 2012).

24. *Id.* at 24–26.

25. Jean Allain, *Contemporary Slavery and Its Definition in Law*, in *CONTEMPORARY SLAVERY: POPULAR RHETORIC AND POLITICAL PRACTICE*, *supra* note 1, at 36, 41.

26. Allain cites a classic work, Antony Honoré, *Ownership*, in *OXFORD ESSAYS IN JURISPRUDENCE: A COLLABORATIVE WORK* 107 (A.G. Guest ed., 1961), to underscore that “from both a legal and philosophical perspective . . . ultimately what we object to in slavery is the inability of a person to exercise their natural capacities when they find themselves in a ‘state of unlimited subordination to another individual.’” Allain, *supra* note 25, at 38–39. See also JEAN ALLAIN, *SLAVERY IN INTERNATIONAL LAW: OF HUMAN EXPLOITATION AND TRAFFICKING* 125 (2013); Antony Honoré, *The Nature of Slavery*, in *THE LEGAL UNDERSTANDING OF SLAVERY: FROM THE HISTORICAL TO THE CONTEMPORARY*, *supra* note 23, at 9.

27. Shannon Proudfoot, *Why Hockey Needs P.K. Subban*, SPORTSNET (n.d.), www.sportsnet.ca/hockey/nhl/big-read-why-hockey-needs-p-k-subban/.

his insatiable goal to be the best, and not choosing his words and thoughts from a list of pre-approved options.”²⁸ For P.K., to criticize his playing was no problem, but, as he affirms “you take a shot at my character, that’s something completely different And I don’t have to listen to that.”²⁹

Subban is not suffering, at least not in the way that we think about suffering when the word slavery comes to mind: he might well bring the Stanley Cup to the Montreal Children’s Hospital in a Nashville Predators’ jersey—and Colin Kaepernick keeps resisting, as he holds his head high, graciously accepts a prize from Amnesty International,³⁰ and even as he becomes the powerful face of Nike’s thirtieth anniversary “Just Do It” campaign for a company accused of many of the workplace violations that attract labels akin to slavery.³¹ The resistance theme is a narrative in the study of slavery that I for one never want to lose.³²

Let me be clear: I am not arguing that well paid, professional athletes are enslaved persons. As the editors of *Contemporary Slavery* insist, context matters. Rather, I am pushing back, as do Bunting, Quirk, Kurasawa, Vigneswaran,³³ and Choi-Fitzpatrick³⁴ in this volume, professing my own wariness of the “single story,”³⁵ refusing a reaction that claims so obviously to know what is not slavery. By doing so, I seek to hold open space to question whether part of the problem might not, instead, be the received legal definitions of slavery. The counter-intuitive example of elite professional athletes who happen to be black, and in Kaepernick’s case, happens also to be resisting on behalf of those dying from police brutality who are not otherwise seen, opens up critical space. We might comfort ourselves with the fact that they have considerable wealth and recognition—these are not the invisible people that so much of the social justice activism around contemporary slavery seeks to attach itself. But we should be fearful of losing sight of the kind of systemic critique that Bunting and Quirk insist that we should cultivate, if we fail to pay attention

28. *Id.*

29. *Id.*

30. The Editors, Opinion, Colin Kaepernick: “Love Is at the Root of Our Resistance,” N.Y. TIMES (May 4, 2018), www.nytimes.com/2018/05/04/opinion/colin-kaepernick-amnesty-international-speech.html.

31. David Zirin, *On Colin Kaepernick’s Nike Ad: Will the Revolution Be Branded?*, THE NATION (Oct. 8–15, 2018), www.thenation.com/article/on-colin-kaepernick-nike-ad-will-the-revolution-be-branded/.

32. Resistance took a variety of forms, including revolutionary action, physically escaping, and suing for freedom. See e.g., CAROLYN FICK, *THE MAKING OF HAITI: THE SAINT DOMINGUE REVOLUTION FROM BELOW* (1990); R.J.M. BLACKETT, *MAKING FREEDOM: THE UNDERGROUND RAILROAD AND THE POLITICS OF SLAVERY* (2013); LEA VANDERVELDE, *REDEMPTION SONGS: SUING FOR FREEDOM BEFORE DRED SCOTT* (2009).

33. Vigneswaran, *supra* note 12.

34. Austin Choi-Fitzpatrick, *Letting Go: How Elites Manage Challenges to Contemporary Slavery*, in *CONTEMPORARY SLAVERY: POPULAR RHETORIC AND POLITICAL PRACTICE*, *supra* note 1, at 279, 279 (quipping that “it is no longer clear if it is slavery itself or attention to slavery that is on the increase”).

35. Chimamanda Ngozi Adichie, *The Danger of a Single Story*, TED (Oct. 6, 2009), www.ted.com/talks/chimamanda_adichie_the_danger_of_a_single_story/transcript?language=en.

to “where anti-slavery rhetoric potentially aligns with other ideological, economic and political agendas.”³⁶ In contemporary discussions of the legal definition of slavery, we should not lose sight of the history, including the political history, that led certain kinds of systemic practices heavily inflected by racialization, like apartheid and colonialism, to be defined (largely by metropolitan states whose economies benefited from the stimulus provided by the triangular slave trade)³⁷ as “other” than slavery, over the protests of the newly emerging decolonizing states, just as the significance of racialization to the centuries-long, transatlantic enslavement that was contiguous with and part of the work of settler colonialism was also omitted.³⁸

In Joel Quirk’s chapter entitled “When Human Trafficking Means Everything and Nothing,”³⁹ the pushback against the prevalent use of the rhetoric of contemporary slavery is made plain. The rhetoric of slavery does not and cannot somehow transcend everyday politics. And one aspect of the everyday politics is seen in the concerted responses—indeed resistance—that communities reiterate when they feel that the rooted legacy of enslavement in communities that still suffer is being appropriated, disrespected, or disregarded.⁴⁰

This book contains a chapter on reparative justice for modern slavery.⁴¹ There has been no redistributive, reparative justice following the transatlantic slave trade, few apologies, no truth and reconciliation. The timing around Bandung⁴² and decolonization was anything but neutral, and it is not a coincidence that in international law, we have inherited a definition of slavery that erases race, and in the process, erases a foundational theoretical understanding of the history of slavery as part of a longer trajectory in the foundation of capitalism: it is *not* capitalism’s opposite.

The basis of this critique comes from a dual direction. The first direction is the painstaking historical work undertaken by those, starting with Eric Williams⁴³ and including Sven Beckert⁴⁴ and Greg

36. Bunting & Quirk, *supra* note 4, at 19.

37. See, e.g., CATHERINE HALL ET AL., *LEGACIES OF BRITISH SLAVE-OWNERSHIP: COLONIAL SLAVERY AND THE FORMATION OF VICTORIAN BRITAIN* (2014).

38. Allain, *supra* note 25, at 54–58; JEAN ALLAIN, *THE SLAVERY CONVENTIONS: THE TRAVAUX PRÉPARATOIRES OF THE 1926 LEAGUE OF NATIONS CONVENTION AND THE 1956 UNITED NATIONS CONVENTION* (2008); ALLAIN, *supra* note 26, at 153–54.

39. Joel Quirk, *When Human Trafficking Means Everything and Nothing*, in *CONTEMPORARY SLAVERY: POPULAR RHETORIC AND POLITICAL PRACTICE*, *supra* note 1, at 67.

40. See, e.g., Marilou Craft, *Qu’est-ce qui cloche . . . avec le prochain spectacle de Betty Bonifassi*, *URBANIA* (Dec. 5, 2017), <https://urbania.ca/article/quest-ce-qui-cloche-avec-le-prochain-spectacle-de-betty-bonifassi/>; Dan Bilefsky, *Protests Shutter a Show that Cast White Singers as Black Slaves*, *N.Y. TIMES* (July 4, 2018), www.nytimes.com/2018/07/04/arts/music/protests-shutter-a-show-that-cast-white-singers-as-black-slaves.html.

41. See Roy L. Brooks, *Reparative Justice and the Post-Conflict Phase of Modern Slavery*, in *CONTEMPORARY SLAVERY: POPULAR RHETORIC AND POLITICAL PRACTICE*, *supra* note 1, at 202.

42. RICHARD WRIGHT, *THE COLOR CURTAIN: A REPORT ON THE BANDUNG CONFERENCE (1956)*; BANDUNG, *GLOBAL HISTORY AND INTERNATIONAL LAW: CRITICAL PASTS AND PENDING FUTURES* (Luis Eslava, Michael Fakhri & Vasuki Nesiah eds., 2017).

43. ERIC WILLIAMS, *CAPITALISM AND SLAVERY* (1944).

44. SVEN BECKERT, *EMPIRE OF COTTON: A GLOBAL HISTORY* (2014).

Grandin.⁴⁵ In Grandin's words, "[e]ach generation seems condemned to have to prove the obvious anew: slavery created the modern world, and the modern world's divisions are the product of slavery."⁴⁶ The second direction is the literature on racial capitalism, which, as Nancy Fraser emphasizes, forces us to move beyond the familiar, exploitation-centered conceptions of capitalism that fail to explain the "[persistent] entanglement with racial oppression."⁴⁷ Instead, Cedric Robinson moved the concept away from a specific, limited application to apartheid in South Africa, to root it in a broader critique of Marxist analyses of the world economy that overlooked race.⁴⁸ I argue that this failure to engage with racialization has fueled the kind of "superficial efforts to appropriate the infamy and iconography of slavery and its legal abolition"⁴⁹ that Bunting and Quirk, and some other authors in their collection,⁵⁰ decry.

If one accepts that "[c]apitalism and racism . . . did not break from the old order but rather evolved from it to produce a modern world system of "racial capitalism" dependent on slavery, violence, imperialism, and genocide,"⁵¹ then one begins to understand why, rather than an aberration that can be addressed through strategies of criminalization by protective statecraft, slavery is part of how capitalism advances across uneven terrain.⁵² The periphery and the core are gendered, sexualized, classed, ethnicized, and racialized—this is a condition of the functioning of the world market.⁵³ Stuart Hall adds that "racial discourses constitute one of the great, persistent classificatory systems . . . for the representation of, and the organization of practices around . . . the fact of difference."⁵⁴

By calling so many of the phenomena associated with deep human suffering "slavery," and by losing sight of the work that "race" has done and continues to enable (through forms of status-based

45. GREG GRANDIN, *EMPIRE OF NECESSITY: SLAVERY, FREEDOM AND DECEPTION IN THE NEW WORLD* (2014).

46. Greg Grandin, *Capitalism and Slavery*, THE NATION (May 1, 2015), www.thenation.com/article/capitalism-and-slavery/.

47. Nancy Fraser, *From Exploitation to Expropriation: Historic Geographies of Racialized Capitalism*, 94 ECON. GEOGRAPHY 1, 3 (2018).

48. CEDRIC ROBINSON, *BLACK MARXISM* (1983).

49. Bunting & Quirk, *supra* note 4, at 10.

50. See in particular Kurasawa, *supra* note 14.

51. Robin Kelley, *What Did Cedric Robinson Mean by Racial Capitalism?*, BOS. REV. (Jan. 12, 2017), <http://bostonreview.net/race/robin-d-g-kelley-what-did-cedric-robinson-mean-racial-capitalism> (adding that for Robinson, "[c]apitalism was 'racial' not because of some conspiracy to divide workers or justify slavery and dispossession, but because racialism had already permeated Western feudal society. The first European proletarians were *racial* subjects (Irish, Jews, Roma or Gypsies, Slavs, etc.) and they were victims of dispossession (enclosure), colonialism, and slavery *within Europe*.").

52. STUART HALL, *THE FATEFUL TRIANGLE* 119 (2017) (arguing that "[c]apitalist modernity has always advanced as much by way of the production and negotiation of difference as it has through enforcing sameness, standardization and difference. It is the exploitation of difference—the taking advantage of differentials, and not the standardization of economic variables—that pushes the story of capitalist modernity remorselessly onward.").

53. *Id.* See also JOANNE POPE-MELISH, *DISOWNING SLAVERY: GRADUAL EMANCIPATION AND "RACE" IN NEW ENGLAND, 1780–1860* (1998).

54. HALL, *supra* note 52, at 46.

subordination), we allow the tropes to proliferate, and we lose the analysis. Worse, by foregrounding unmistakably racist visuals like the “racialized slaves from the global South being freed by white Westerners”⁵⁵ that Kurasawa forces us to see anew—Are we really allowing ourselves to see beyond the binary of free and unfree labor? Similarly, might there be another way to think beyond the temporality that relegates slavery and colonialism to the past? In other words, by erasing race in slavery, we run the risk of overlooking ongoing processes of stratification through—rather than despite—a neoliberal globalization.

To paraphrase Eve Tuck and Wayne Yang, like decolonialization,⁵⁶ slavery is not a metaphor. Moreover, it is worth recalling that even in the history of slavery, the concept could only be understood and analyzed alongside and in relation to a broad continuum of free and unfree labor, including indentures, peonage, and apprenticeship.⁵⁷ Current yet parallel historical research seeks to extricate a vision of reconstruction and emancipation that articulates what a positive labor vision looks like for the present—what it really takes to eradicate slavery, servitude, and their vestiges; what free labor means.⁵⁸ I would like to see the different literatures speak to each other more—and in particular, speak to the erasure of the state as deeply complicit, if not the perpetrator, a theme foregrounded in this book by Rhoda Howard-Hassmann about “othered” states, as a challenge to the Bellagio–Harvard Guidelines for their affirmation that states generally do not support a property right in persons.⁵⁹

While the imagery of stopping the traffickers at high seas is evocative of a valiant, Wilberforce-driven, British role in abolition, I am less moved by the claims that the virtuous state should criminalize evil traffickers as I am by the need for states to be reminded of their responsibility for ongoing and new forms of structural subordination. In other words, in a shared project with the editors and many contributors to the *Contemporary Slavery* collection, I want to spend more time thinking about how, for example, the shift toward temporary labor migration schemes, rather than permanent labor migration or a more liberalized model of reasonable labor market access, promotes precarity. Similarly, I would argue that it is imperative to highlight the conspicuous absence of engagement with the troubling continuity

55. Kurasawa, *supra* note 14, at 164 (see also Kurasawa’s critique of the rescue of slaves by their white “liberators” at 170–71).

56. Eve Tuck & K. Wayne Yang, *Decolonization Is Not a Metaphor*, 1 DECOLONIZATION INDIGENITY EDUC. & SOC’Y 1 (2012).

57. See, e.g., REBECCA ZIETLOW, *THE FORGOTTEN EMANCIPATOR: JAMES MITCHELL ASHLEY AND THE IDEOLOGICAL ORIGINS OF RECONSTRUCTION* (2018). See also SETH ROCKMAN, *SCRAPING BY: WAGE LABOR, SLAVERY & SURVIVAL IN EARLY BALTIMORE* (2009).

58. Two leading early examples are Lea VanderVelde, *Labor Vision of the Thirteenth Amendment*, 138 PENN. L. REV. 437 (1989), and James Gray Pope, *Labor’s Constitution of Freedom*, 106 YALE L.J. 941 (1997).

59. Rhoda E. Howard-Hassmann, *State Enslavement in North Korea, in CONTEMPORARY SLAVERY: POPULAR RHETORIC AND POLITICAL PRACTICE*, *supra* note 1, at 255, 273.

between slavery and contemporary prison labor.⁶⁰ Moreover, it means engaging in an analysis of global value chains and management practices—both historically, as Caitlin Rosenthal does,⁶¹ and in contemporary context, as does Andrew Crane in this volume with his focus on economic rationality.⁶² This work helpfully turns attention back to structural considerations. A discussion of slavery and its relationship to the law should cry out for this thicker engagement with what we mean by law when we refer to slavery.

In conclusion, Bunting and Quirk and the contributors to the critical edited collection, *Contemporary Slavery*, have offered a robust challenge to received narratives. They tie them adeptly to the scholarly, international, and policy communities. Most importantly, they force us to commit to the people who are still suffering, by thinking carefully but fearlessly about necessary, ongoing conversations. Annie Bunting and Joel Quirk's accessible, comprehensive, and reflective edited volume should be read and discussed widely, in classrooms, courtrooms, and other national and international fora. Their work is deeply generative.

60. Bunting and Quirk mention "forced labour by the state." Bunting & Quirk, *supra* note 4, at 22. There is also an important analysis flowing through the literature on international labor law and the interpretation of ILO Convention No. 29. See, e.g., Faina Milman Sivan, *Prisoners for Hire: Towards a Normative Justification for the ILO's Prohibition of Private Forced Prison Labor*, 36 *FORDHAM INT'L L.J.* 1619 (2013).

61. CAITLIN ROSENTHAL, *ACCOUNTING FOR SLAVERY: MASTERS AND MANAGEMENT* (2018).

62. Andrew Crane, *Modern Slavery from a Management Perspective: The Role of Industry Context and Organizational Capabilities*, in *CONTEMPORARY SLAVERY: POPULAR RHETORIC AND POLITICAL PRACTICE*, *supra* note 1, at 229.